

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

GERARD SCPARTA,

Judgment Debtor,

and

NEW YORK CITY POLICE PENSION FUND,

Garnishee.

18 CR 0578 (DEH)

**FINAL ORDER  
OF GARNISHMENT**

WHEREAS, pursuant to the Mandatory Victim Restitution Act (“MVRA”), 18 U.S.C. §§ 3613, 3664(m), and the Federal Debt Collection Procedure Act (“FDCPA”), 28 U.S.C. § 3205, the United States of America (“the Government”) sought, obtained, and served a writ of garnishment on the garnishee, NEW YORK CITY POLICE PENSION FUND, for substantial nonexempt property belonging to or due the defendant-judgment debtor, GERARD SCPARTA (Dkts. 76-78 and 80);

WHEREAS, on August 1, 2024, the garnishee filed its Answer (Dkt. 79) with the Court and served a copy of it on the Government and the judgment debtor (*id.* ¶ 14);

WHEREAS the garnishee answered that it has a monthly retirement benefit in the amount of \$4,119.64 payable to the judgment debtor in its possession, custody, or control from which the garnishee began withholding 25% upon service of the writ (*id.* ¶ 8, 11, 13);

WHEREAS, in compliance with the FDCPA, the Government served the judgment debtor with the garnishment process 45 days ago (Dkt. 80);

WHEREAS the FDCPA requires the judgment debtor to file a claim for exemption, objection to the garnishee's answer, or request for a hearing within 20 days after service under 28 U.S.C. §§ 3202(d) and 3205(c)(5), that time has expired, and neither the Court nor the Government has received any such filing by or on behalf of the judgment debtor;

WHEREAS the judgment debtor still owes \$686,244.00 in restitution to the victims of his crime; and

WHEREAS, pursuant to 28 U.S.C. § 3205(c)(7), after the garnishee files an answer and if no hearing is requested within the required time period, the Court shall promptly enter an order directing the garnishee as to the disposition of the judgment debtor's nonexempt interest in the property held by the garnishee;

IT IS HEREBY ORDERED that the garnishee, NEW YORK CITY POLICE PENSION FUND, shall pay to the Clerk of Court within 15 days from the date of this order the nonexempt property it has in its possession, custody, or control belonging to or due the defendant-judgment debtor, GERARD SCPARTA, namely 25% of each monthly benefit payment, from the date that garnishee was served with the writ and continuing each pay period until the Government notifies the garnishee that the judgment debt is paid in full or further order of this Court. *United States v. Irving*, 452 F.3d 110, 126 (2d Cir. 2006) (MVRA permits the Government to garnish pension and retirement funds to satisfy a restitution order). Payments should be made to "Clerk of Court" with "No. 18 CR 0578" written on the face of each payment and mailed to the United States District Court, 500 Pearl Street, Room 120, New York, New York 10007, Attn: Cashier.

Dated: New York, New York  
September 13, 2024



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HON. DALE E. HO  
UNITED STATES DISTRICT JUDGE